

In the Matter of)
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Mobility Fund Phase I Auction) AU Docket No. 12-25

Alaska Communications Systems Group, Inc., on behalf of its operating subsidiaries (“ACS”),¹ hereby replies to the February 24, 2012 comments filed in response to the Commission’s Public Notice in the above-captioned docket seeking comment on competitive bidding procedures and program requirements for Phase I Mobility Fund support.² In these reply comments ACS focuses on the narrow issue of the road categories that are proposed to be used to determine eligible census blocks for the Mobility Phase I Auction (Auction 901), specifically proposing additional road categories and alternative non-road categories.

² *Mobility Fund Phase I Auction Scheduled For September 27, 2012; Comment Sought On Competitive Bidding Procedures For Auction 901 and Certain Program Requirements*, FCC Public Notice in AU Docket No. 12-25, DA 12-121 (rel. Feb. 2, 2012) (the “*Mobility Fund Phase I PN*”).

I. Introduction

In the *Mobility Fund Phase I PN*, the Bureaus emphasized that, consistent with the *CAF/ICC Transformation Order*, they “will use road miles as the basis for calculating the number of units in each eligible census block for purposes of comparing bids and measuring the performance of Mobility Fund Phase I support recipients.”³ The Bureaus proposed to calculate the number of road miles associated with each unserved census block using linear road miles from three out of nine of the Census Bureau’s TIGER road categories, on the basis that the three proposed categories will include 84 percent of all roads captured by the nine TIGER road categories.⁴ The Commission has sought comment on the proposed three categories of roads, specifically S1100 (primary roads), S1200 (secondary roads), and S1400 (local and rural roads and city streets), asking commenters that propose different road categories to justify their proposal.⁵

ACS, as well as GCI, previously stressed that identifying “unserved” census blocks by American Roamer data and the Census Bureau’s TIGER data (based on road miles) would fail to capture the hundreds of Bush communities in Alaska that lack access to 3G or better mobile communications technology.⁶ However, if the Commission proceeds to

³ *Mobility Fund Phase I PN* ¶21, citing *Connect America Fund et al.*, Report and Order (“*CAF/ICC Order*”) and Further Notice of Proposed Rulemaking (“*FNPRM*”) in WC Docket Nos. 10-90 *et al.*, FCC 11-161, ¶¶349-353 (rel. Nov. 18, 2011) (*CAF/ICC Transformation Order*). See also 47 C.F.R. §54.1002(b).

⁴ See *Mobility Fund Phase I PN* ¶22.

⁵ See *id.* The remaining six road categories are S1500 (vehicular trail/4WD), S1630 (ramp), S1640 (service drive, usually along a limited access highway), S1730 (alley), S1740 (private road for service vehicles – logging, oil fields, ranches etc.), and S1750 (internal U.S. Census Bureau use). See *Mobility Fund Phase I PN* at Attachment B.

⁶ Comments of Alaska Communications Systems Group, Inc. in WC Docket Nos. 10-90 *et al.*, filed Jan. 18, 2012 (“ACS FNPRM Comments”) at 16; Comments of General

identify eligible census blocks and compare bids relying solely on TIGER road data then, at a minimum, the Commission should take into account the unique nature of how Alaskans travel throughout the state. The Commission should look more holistically at the State of Alaska and the ways in which its residents often travel on unpaved trails, private service roads, and non-road Alaska waterway routes. Because support will not be awarded in any census blocks with no road miles,⁷ and because the Commission will compare the cost-per-road-mile of different bids,⁸ the Commission should ensure that Alaska is not disadvantaged by limiting the road miles counted to the very traditional road categories (primary, secondary, and local roads) that it has proposed to use. These categories do not accurately reflect a significant portion of travel routes in Alaska.

II. Expand Eligibility Categories To Expand Eligible Census Blocks in Alaska

ACS is conducting a laborious manual review of the voluminous American Roamer data in order to identify potentially eligible census blocks for Auction 901, using the limited mapping interface provided by the Commission and the three proposed TIGER road categories. While ACS continues to believe that there will be some census blocks where it may want to bid for support that will enable it to fill in gaps in coverage for mobile broadband service, evaluating eligible census blocks based only on the three road categories proposed in the *Mobility Fund Phase I PN* does not accurately capture the infrastructure over which many Alaskans travel. ACS therefore urges the Bureaus to expand the TIGER road categories that will be used to determine eligible census blocks in

Communication, Inc. in WC Docket Nos. 10-90 *et al.*, filed Jan. 18, 2012 (“GCI FNPRM Comments”) at 14.

⁷ *Mobility Fund Phase I PN* ¶23.

⁸ *CAF/ICC Transformation Order* ¶¶321, 357, 420.

Alaska and to evaluate bids in Auction 901, as well as to adopt some additional specific, known, and measurable travel routes commonly used by Alaskans, all of which would better reflect the unique geography of, and travel routes in, the state. First, including the two additional TIGER road categories discussed below would better capture the unique nature of Alaskan road infrastructure.⁹ Second, expanding the measures by which the Commission will determine an eligible census block to include non-road alternatives will ensure that the many places in Alaska that can only be reached either by water or ice on a year-round basis will have the opportunity to receive Mobility Phase I support. Both of these modifications would put rural Alaska on a more equal footing with other parts of the country that may rely more extensively on the types of roads proposed to be eligible in the road miles count for Auction 901 (*i.e.*, primary, secondary, and local roads).

Expand Road Categories

In Alaska, the number of roads is extremely limited, and access to rural areas most of the year must occur by snow mobile, airplane, helicopter, or boat. Therefore, the road categories included in determining eligible census blocks for the Mobility Fund Phase I auction should include the non-traditional road categories that Alaskans commonly use to traverse the state.¹⁰ For Alaska, these fall into the S1500 (vehicular trail/4WD) and S1740

⁹ The members of the Rural Telecommunications Group, Inc. (“RTG”) maintain that “[m]any of the nation’s most remote rural areas contain none of the FCC proposed road categories, yet contain many miles of unpaved roads that are travelled by those in desperate need of 3G and higher services.” Comments of the Rural Telecommunications Group, Inc. in AU Docket No. 12-25, filed Feb. 24, 2012 (“RTG Mobility Comments”) at 3.

¹⁰ ACS agrees with General Communication, Inc. (“GCI”) that rural Alaska is already disadvantaged in obtaining mobility support by the Commission’s use of “road miles as the basis for calculating the number of ‘units’ for the purposes of comparing bids and measuring performance.” Comments of General Communication, Inc. in AU Docket

(private road for service vehicles) road categories, in addition to the three TIGER road categories proposed in the *Mobility Fund Phase I PN*. Indeed, based on ACS's records, ACS believes that there are over 8,000 miles of vehicular trails and approximately 3,600 miles of private roads where there is a critical need for support to ensure that Alaskans have access to mobile broadband service.¹¹

The Commission can find support in Alaskan State law for adding these vehicular trails and private roads. Notably, the State of Alaska has taken legislative action to officially accept and establish an extensive system of historical "highways" consisting of several thousand miles of overland trails and routes throughout Alaska. These routes originally were built by public effort and controlled by the federal government, and subsequently were granted to the state pursuant to an act of Congress (the "RS 2477 Routes").¹² Over five hundred of these historic trails are individually listed and designated by state statute as state routes dedicated for use by the public, and they also are

No. 12-25, filed Feb. 24, 2012 ("GCI Mobility Comments") at 2. ACS further agrees with GCI that the Commission should not further disadvantage rural Alaska, which GCI also describes as lacking "an interconnected highway system and whose residents rely almost entirely on planes, boats, or snow machines," by excluding unpaved dirt roads and private logging roads from the road categories that determine eligibility for Auction 901. *See id.*

¹¹ GCI notes that these dirt roads (vehicular trails) and private (logging) roads are important to residents and industry in rural Alaska. *See* GCI Mobility Comments at 2. Similarly, the RTG member companies highlight the importance of vehicular trails and private roads in rural America. "In rural areas, 4WD vehicular trails (S1500) often serve as the functional equivalent of the local, neighborhood roads, rural roads, and city streets of the S1400 category. Private roads (S1740) for service vehicles are also heavily used in rural areas to serve various rural industrial areas and forestry and logging facilities. Though privately owned, these roads are heavily traversed and used continuously." RTG Mobility Comments at 4.

¹² 43 U.S.C. §932, *repealed*, Pub. L. 94-579, Title VII, §706(a) (effective Oct. 21, 1976), 90 Stat.2793.

included in the Alaska Department of Natural Resources' Historic Trails Database.¹³

While these RS 2477 Routes are not primary or even secondary roads under the state highway system, they are utilized by high-clearance and off-road vehicles, and snowmobiles in winter, for travel between rural communities that have no access to the main road system (examples include the designated trails between Aniak-Tuluksak, Goodnew Bay-Togiak, Kotzebue-Noatak, Holy Cross-Kalskag, and Circle-Fort Yukon), or for access to remote industrial sites (examples include the Jualin Mine Road, Nixon Fork–Nixon Mine, Healy-Diamond Coal Mine Dirt Road) from the main highway system.¹⁴ With Alaska's vast terrain and limited population, these RS 2477 Routes serve as the functional equivalents of minor county roads in other states. As the State of Alaska officially has recognized these specific, measurable routes and has dedicated them to public transportation uses, the Commission should include them in the Auction 901 road miles calculus for Alaska.

The Commission has acknowledged that Alaska's remote areas are among the most underserved areas of the country.¹⁵ Accordingly, ACS urges the Bureaus to include

¹³ See Alaska Statutes ("AS") 19.30.400(d).

¹⁴ See AS 19.30.400.

¹⁵ In eliminating the identical support rule for competitive eligible telecommunications carriers ("CETCs"), the Commission has stated that it needs to ensure that its "approach is flexible enough to take into account the unique conditions in places like Alaska, and [it makes] ... a number of important modifications to the national rules, particularly with respect to public interest obligations, the Mobility Funds, and competitive ETC phase down, to account for those special circumstances, such as its remoteness, lack of roads, challenges and costs associated with transporting fuel, lack of scalability per community, satellite and backhaul availability, extreme weather conditions, challenging topography, and short construction season." *CAF/ICC Transformation Order* ¶508 (citations omitted). See also *CAF/ICC Transformation Order* ¶529 and 47 C.F.R. 54.307(e)(3).

the S1500 and S1740 road categories among the TIGER road categories that will be counted in determining census block eligibility for the Mobility Fund Phase I auction.

Expand Alternative Road Categories

A substantial portion of Alaska lies off the traditional road system. In fact, many places in Alaska can only be reached via non-road access on a year-round basis, particularly a number of coastal communities and villages that have settled around river systems. Beyond ACS's adding the S1500 and S1740 road categories to those that the Bureaus propose for determining eligible census blocks in Alaska and comparing bids in Auction 901, ACS also submits that the Bureaus should include other travel routes that are commonly used and heavily relied upon and that are often the only means of access to certain parts of Alaska. ACS proposes specifically that, for Alaska census blocks, the Bureaus include recognized, measurable, commonly-used waterways in a non-road category for the Phase I Mobility Fund.

An example of a route system that should be included is the Alaska Marine Highway System ("AMHS"), which is operated by the State of Alaska in lieu of road access to reach a significant number of Alaskans who reside in more than 30 coastal locations. While the State estimates that the entire length of the AMHS is approximately 3,500 miles, when the out-of-state segment from Bellingham, Washington to Ketchikan, Alaska is subtracted, there are approximately 2,500 miles that Alaskans rely on to travel to areas of the state without roads. The AMHS connects significant towns in Alaska, particularly the capitol city of Juneau to other southeast Alaska communities (*e.g.*, Haines, Skagway, Sitka, Wrangell, and Ketchikan), which are inaccessible by road. Additionally, the AMHS connects remote villages all along the Aleutian Chain with Kodiak and Homer

(the latter is on the Alaska Highway System). Although it might be considered a non-traditional type of travel route in the lower 48 states, the AMHS is a traditional, heavily relied upon, nationally recognized, and necessary travel route system in Alaska.¹⁶ Having access to broadband communication on this route system is critical. The Commission should include the AMHS in a non-road, waterway category when determining eligibility of census blocks and comparing bids in the Mobility Fund Phase I auction.

Other waterways that are used extensively for transportation in Alaska are its major river systems. Because of the importance of rivers as present-day, active transportation routes in rural Alaska (in both summer and winter), the Alaskan Legislature directed the State's Department of Natural Resources to identify, claim, and map all navigable waterways in the State.¹⁷ These navigable rivers are utilized in the same manner as highways and roads are used in other parts of the nation. Rural residents regularly use navigable rivers to travel to and from other villages and regional hubs. In the summer, travel is by boat, and in winter, residents utilize vehicles (including standard trucks and cars as well as snowmobiles) to drive on the ice to other communities. These winter roads in rural Alaska are also utilized by industrial traffic to access oil and gas

¹⁶ Importantly, the AMHS has been designated a National Scenic Byway and an All American Road; it is the only marine route in the nation with this designation. *See* State of Alaska, Department of Transportation, Alaska Marine Highway System website at: <http://www.dot.state.ak.us/amhs/routes.shtml>.

¹⁷ *See* AS 38.04.062(b), (g)(1). The extensive mapping of thousands of miles of navigable waterways in Alaska is available on the State's website at www.navmaps.alaska.gov/navwatersmap/. To view the rivers that the State of Alaska has affirmatively designated as navigable on this website, it is necessary to "zoom" in on the interactive map to see more specific locations, which also enables the viewer to identify individual villages located along each river.

development sites and remote mines, and especially to haul in heavy equipment that would be more difficult to transport in summer.

Two notable examples of these navigable rivers are the Yukon and Kuskokwim Rivers. There are numerous, primarily Alaska Native communities sited along each of these two rivers. In summer, access to these communities is often by traveling on motorized boat, skiff, barge, or other floating devices on the rivers. In winter when the rivers freeze, they continue to a main source of travel via snowmobile and other mechanized vehicles. The length of the Yukon River in Alaska is approximately 1,000 miles, which is about half of its total 1,980-mile length, all of which is navigable.¹⁸ The length of the Kuskokwim River measures approximately 700 miles in Alaska and it too is navigable for most of its length.¹⁹ As is true for the AMHS, these two rivers are major transportation corridors in Alaska that are recognized and heavily relied upon. The Bureaus therefore should include them in a non-road, waterway category when determining census block eligibility and comparing bids in the Mobility Fund Phase I auction.

III. Conclusion

For the foregoing reasons, ACS urges the Bureaus to expand the categories that will determine whether a census block is eligible for support through Auction 901, and in comparing bids based on dollar amount per road mile. ACS urges the Commission to include additional road categories as well as to add non-road categories for Alaskan

¹⁸ The rest of the river lies in Canadian territory. See USGS website – Largest Rivers in the United States, item 32 at: <http://pubs.usgs.gov/of/1987/ofr87-242/>

¹⁹ See USGS website – Largest Rivers in the United States, item 11 at: <http://pubs.usgs.gov/of/1987/ofr87-242/>

census blocks. Including the S1500 and S1740 road categories and adding a non-road waterways category for Alaska's census blocks would serve the public interest. These modifications would provide mobile carriers an opportunity to seek much-needed support in the near term to expand mobile broadband coverage on Alaska routes that are functionally similar to roads typically travelled in other parts of the country.

Vehicular trails, private roads, and certain waterways are critical infrastructure in traveling across rural Alaska, and mobile broadband service is literally a lifeline there. The Bureaus should not limit rural Alaska's access to mobile broadband service by restricting Mobility Fund Phase I support to census blocks served by primary, secondary, and local roads. To do so would penalize Alaska for its unique geography, and fail to serve the universal service goals of the Communications Act.

Respectfully submitted,

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